

REMARKS

Claims 1 and 28 are pending active examination. Claims 33-51 are withdrawn. Claims 2-27 and 29-32 are canceled.

The amendments to claim 1 are commensurate with both the Election of Species Requirement and the Restriction Requirement because claim 1 was generic and the use of a truth table is not encompassed by the species identified in the Election of Species Requirement. Thus, the inclusion of a truth table does not contradict Applicant's election of Species 10. The amendments to claim 1 are also commensurate with the Restriction Requirement because the truth table, as recited in claim 1, is not used for displaying investment information.

The amendments to claim 28 are also commensurate with the Election of Species Requirement and Restriction Requirements because the feature of "comparing the quantitative data items" is associated with "setting the alert" which was originally included in claim 28.

Reconsideration in light of the amendments and remarks below is respectfully requested and allowance is earnestly solicited.

Interview Summary

Counsel for the Applicant, wishes to thank Examiner Campen for conducting a telephonic interview on February 16, 2010.

Examiner and Counsel discussed the pending rejection including whether the Office is permitted to take Official Notice (e.g., the knowledge of one of ordinary skill in the art) that is contrary to a rationale that was used to restrict the claims. No agreement was reached.

If any issues remain that would prevent the allowance of the application, Applicant requests that the Examiner contact the undersigned attorney to resolve the issues.

Information Disclosure Statement

The Office Action notes that the IDS filed on 7/6/1999 referenced a web address but failed to include a printout from the webpage. Our review of the file for this application did not locate a printout which corresponds to the cited web address. A representative of the client confirmed that the client does not have ready access to a printout from the webpage. Submitted with this Response is an IDS that includes webpages, obtained from the waybackmachine, that correspond to two dates that are prior to the actual filing date of this application.

Election/Restriction

Claims 33-51 are withdrawn as being directed to distinct non-elected inventions. Applicant reserves the right to pursue divisional applications on the subject matter of claims 33-51.

Claim Rejections 35 USC §101

Claims 1 and 28 stand rejected under 35 U.S.C. §101 - Applicant traverses the rejection. Claims 1 and 28 meet the requirement of 35 U.S.C. §101 because both of these claims address practical applications and recite methods that result in the transformation of an article. According to the USPTO's own Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. §101 (August 2009), a process meets the requirements of §101 if the article

has changed to a different state or thing. Interim Examination Instructions, page 5, bottom of page. The Interim Instructions also note that “transformation of electronic data has been found when the nature of the data has been changed such that it has a different function or is suitable for a different use. Interim Examination Instructions, page 6, top of page.

In the case of claim 1, for example, the “at least one quantitative data item” serves at the basis for causing the display of an alert. Thus, claim 1 meets the requirements of §101 because the method uses the at least one quantitative data item extracted from the feeds of data to cause the computer associated with the user to display the alert which is a different thing than the at least one quantitative data item. As a result, the method of claim 1 causes the display of an alert that has a different use than that of the at least one quantitative data item extracted from the feeds of data. For at least the foregoing reasons, removal of the pending rejection is requested and allowance is solicited.

Claim Rejections 35 USC §103(a)

Claims 1 and 28 stand rejected as obvious under 35 U.S.C. §103(a) over Hazy in view of Official Notice. Applicant traverses the rejection including the application of Official Notice.

Nevertheless, in the interest of expediting allowance of the subject application, and without conceding the propriety of the outstanding rejections, claims 1 and 28 have been amended.

Applicant respectfully re-forwards the remarks from the preceding Response with regard to the application of Official Notice. In sum, although prosecution of a patent application does not usually create estoppel on the Office,

in this matter the Office is bound by its decision in the Restriction Requirement that Groups I-III were separately patentable based on which entity specified the predefined criterion. Thus, the application of Official Notice as to the knowledge of one of ordinary skill in the art is improper.

In light of the amendments and remarks, removal of the rejection is requested and allowance is solicited.

Conclusion

Applicant requests reconsideration of all stated rejections, and requests issuance of a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

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